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Governor

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### Minutes

**Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters  
Department of Public Safety, Bldg B, 1380 Bay St., Taunton, MA 02780  
November 19, 2014, 9:30 a.m.**

1. Meeting called to order by the Chairman at 9:41 a.m., followed by roll call, the Chairman asked that members identify themselves and whom they represent:

#### Board Members Present:

Edward Kawa, Chairman  
Frank Norton, Boston A/C Contractors  
Leo Fahey, Pipefitters  
William Gallagher, Refrigeration Techs  
Dan Dumont, NE Mechanical Contractors  
Pauline Lally, User Group  
Brian Kelly, Building and Trades  
Mark Fortune, Sprinklerfitters (departed at 10:52)  
Michael Torchio, Mech. Engineers (arrived at 9:48)  
Jennifer Revill (arrived at 11:16)

#### Board Members Not Present:

John Viola

#### Guests Present:

Brett LaPlante, UA Local 51  
Kristin Monfette, Notch Mechanical  
Doug Neveu, Notch Mechanical  
Gordon MacEwan, IAPMO  
Chuck Borstel, ABC  
Barbara Lagergren, Gould Const.  
Luke Ciarfella, LEWAPT  
Steve Roche  
James Merryman, RT Applicant  
Allen Boston, Dist. Insp/DPS  
Henry Geryk, Dist. Insp/DPS  
Carrie Torrisi, DPS  
Cesar Lastra, Tech.Code.Coord/DPS  
Holly Bartlett, DPS

2. Approval of Minutes: Draft minutes from the Bureau meetings on October 15 and November 5, and the Public Hearing on October 31 were distributed for review. **Motion to approve minutes from the meeting on October 15, 2014, made by Mark Fortune, seconded by William Gallagher; motion passed by unanimous vote.** Mark Fortune asked why the time members arrive is being included in the minutes; the Chairman explained that it makes a difference in identifying business that may have been conducted prior to a member's arrival if that member arrived after the start time of the meeting. **Motion to approve minutes from the Public Hearing on October 31, 2014, made by Mark Fortune, seconded by William Gallagher; motion passed by unanimous vote.** It was pointed out that Mark Fortune's name was omitted from the attendance roster as Not Present for the November 5 meeting. **Motion to approve minutes from the November 5, 2014, meeting, as corrected, made by Pauline Lally, seconded by Mark Fortune; motion passed by unanimous vote.** Draft minutes from the Executive Session held on November 5 were handed out to the Bureau members. Frank Norton had questions regarding the minutes from the Executive Session, but was informed by DPS Counsel Carrie

Torrise that further discussion on the topics raised at the November 5th Executive Session must be done in Executive Session, and that since this was not on the agenda for today's meeting moving into Executive Session must wait until the next meeting. **Motion to table discussion of the minutes from the Executive Session until the next meeting made by Frank Norton, seconded by William Gallagher; motion passed by unanimous vote.**

3. Requirement of DAS Registration for Apprentices: The Chairman, referring to public comment received at the previous meeting regarding removal of the requirement for apprentices to be registered with DAS, said that he had inquired to DLS and DAS as to their statutory requirement for the registration of apprentices. The answer is that the bureau or the board that has the authority to write rules for licensing has the authority to require the registration with DAS. The Chairman had confirmed this information with DLS Director Heather Rowe and DAS Director Dave Walsh. There is no action required by the Bureau.
4. Pipefitter/Welder Classification: This item has been added to the agenda at the request from a Bureau member; at the previous meeting motion was made/approved to require a separate pipefitting class called Pipefitter/Welder. There was comment made at public hearing pointing out that this is required in statute; the applicable statute was reviewed by DPS counsel, who confirmed that there is a requirement for a pipefitter/welder classification. Leo Fahey pointed out that welding is one of many different 'tools' of the pipefitting trade, used to join pipes, along with others such as soldering, crimping, pro-press, gluing, etc; does this mean that there will be separate classification for all other means of joining metal? The Chairman explained that welding is being included because it has specifically been required by statute; the Chairman asked counsel to read the applicable section of statute for clarification: "The Bureau shall adopt regulations for the examining and licensing of fire sprinkler contractors, pipefitters, refrigeration technicians and sprinklerfitters, including the classification of pipefitter licenses which shall include but not be limited to pipefitter welder, process piping and apprentice." **Motion made by Dan Dumont, seconded by Mark Fortune, to rescind the vote from the previous meeting to require a separate pipefitting/welding class; motion passed by majority vote (7 in favor, 2 opposed).** With that action, the language of the regulation would revert to the original proposed language that welding would be an endorsement on the existing classifications of pipefitting license. Dan Dumont asked if the current language meet the intent of the law? The Chairman replied that, on the advice of counsel, the statute requires that the regulation allow for a separate class of license for pipefitter/welder. Pauline Lally asked to clarify that the Bureau has voted to move against the advice of counsel.
5. Prefabrication/Shop Work: At the request of William Gallagher, the matter of a vote taken at the last meeting to remove the requirement for licensure for pre-fabrication work done in shop; a motion was made to exclude license requirement for work done in-shop. **Motion made by William Gallagher to rescind said vote.** Dan Dumont asked to address this matter, pointing out that work in other trades, such as electricians and plumbers, all work, whether done in shop or in the field, must be done by licensed trade personnel. The Chairman summarized some of the public comment received was that there are shops in the Commonwealth pre-fabbing skids, and shipping them within and outside the Commonwealth; likewise there is no requirement for shops outside the Commonwealth to comply with Massachusetts requirements when pre-fabbing skids to be shipped into the state. Pauline Lally pointed out that the requirement for all in-shop workers to be licensed will drive work out of state. It was also pointed out that if the vote from the last meeting is rescinded, and that pipefitting licenses become a requirement for all in-shop pre-fabrication work, companies doing such work could simply move to another state and continue to do pre-fab work and ship such skids back into the Commonwealth for installation. A comment was made that neighboring states provide exemption for companies manufacturing for resale purposes, and discussion ensued regarding the fact that pre-fabricated skids being shipped into the Commonwealth with no manufacturing requirement; another member pointed out

that enforcement of licensing requirement for in-shop work would be difficult. Several members asked if this particular matter could be tabled for further discussion at the next meeting. The Chairman explained that the Bureau could do that, but since the regulations have already been promulgated via the emergency process, tabling this discussion would mean that the Bureau would not meet the timeframe for the emergency promulgation process, and that the promulgation process, either using emergency procedures or the regular process, would have to be started over again. **William Gallagher rescinded his motion to rescind.** It was pointed out by Mark Fortune that approval of the regulation at this point does not preclude future discussion/modification. **Motion made by Mark Fortune to approve the draft regulation as amended, seconded by Pauline Lally; motion passed by unanimous vote.**

\*\* The Chairman stopped the meeting at 10:50 point for a brief break.

\*\* Meeting resumed at 11:00. The Chairman noted that Mark Fortune departed the meeting during the break.

6. Review of Applications: Inspector Henry Geryk addressed the Bureau regarding the applications before the Bureau today.
  - a. Application from Robert Barasch to sit for Refrigeration Contractor exam was considered, Mr. Barasch was not present at this meeting. Inspector Geryk explained that Mr. Barasch holds licenses in several states, and is very well qualified to examine for RC, and recommended that he be allowed to examine for Refrigeration Technician. **Motion to approve this applicant to sit for Refrigeration Technician made by Frank Norton, seconded by Leo Fahey; motion passed by unanimous vote.**
  - b. Application from James Merryman to sit for the Refrigeration Technician exam was considered, Mr. Merryman was present at this meeting. Inspector Geryk asked Mr. Merryman to describe his training in electrical code and the nature of the apprenticeship program he attended in Maryland. **Motion to approve this application made by Brian Kelly, seconded by Frank Norton; motion passed by unanimous vote.**
7. Review of Grandfathering Applications: The Chairman reiterated the process being followed for review of the applications for grandfathering licensure: each application will be considered, and either approved/denied/or returned for additional information. The following applications for grandfathered Process Piping license were considered and acted on as indicated:

Michael Adley, PJ-02	<b>Motion to <u>deny</u> this application due to no evidence of process piping experience made by Pauline Lally, seconded by Frank Norton; motion passed by unanimous vote.</b>
John West, PJ-02	<b>Motion to <u>approve</u> this application made by Pauline Lally, seconded by Frank Norton; motion passed by unanimous vote.</b>
Jeffrey Peters, PJ-02	<b>Motion to <u>approve</u> this application made by Brian Kelly ; seconded by Frank Norton; motion passed by unanimous vote.</b>
Scott McKenzie, PM-02	<b>Motion to <u>approve</u> this application made by Frank Norton, seconded by Brian Kelly; motion passed by unanimous vote.</b>
Scott Foley, PM-02	<b>Motion to <u>deny</u> this application and recommend applicant apply for <i>journeyman</i> process pipefitter made by Frank Norton, seconded by Brian Kelly; motion approved by unanimous vote.</b>
Nathan Lakaszcyck, PJ-02	<b>Motion to <u>deny</u> this application due to insufficient experience made by Leo Fahey, seconded by Frank Norton; motion</b>

James Kopec, PJ-02	passed by unanimous vote. Motion to <u>deny</u> this application due to insufficient work experience made by Leo Fahey, seconded by William Gallagher; motion passed by unanimous vote.
Joseph Fortier Jr, PJ-02	Motion to <u>deny</u> this application due to insufficient work experience made by William Gallagher, seconded by Frank Norton; motion passed by unanimous vote.
Michael Mercier, PJ-02	Motion to <u>deny</u> this application due to insufficient work experience made by Leo Fahey, seconded by Frank Norton; motion passed by unanimous vote.
Ronald Trulson, PJ-02	Motion to <u>deny</u> this application due to insufficient work Experience made by Leo Fahay, seconded by Frank Norton; motion passed by unanimous vote.
Joseph Barna, PJ-02	Motion to <u>deny</u> this application due to insufficient work experience made by William Gallagher, seconded by Pauline Lally; motion passed by unanimous vote.
Andrew Bannister, PJ-02	Motion to <u>deny</u> this application due to insufficient work experience made by Leo Fahey, seconded by Frank Norton; motion passed by unanimous vote.
Garfield Branche, PJ-02	Motion to <u>deny</u> this application due to insufficient work experience made by Leo Fahey, seconded by Frank Norton; motion passed by unanimous vote.
William Mullins, PJ-02	Motion to <u>approve</u> this application made by Leo Fahey, seconded by Frank Norton; motion passed by unanimous vote.
Ian Teesdale, PJ-02	Motion to <u>approve</u> this application made by Brian Kelly, seconded by Frank Norton; motion passed by unanimous vote.
Frederick Furlong, PM-02	Motion to <u>approve</u> this application made by Dan Dumont, seconded by Frank Norton; motion passed by unanimous vote.
Robert Sandner, PJ-02	Motion to <u>approve</u> this application made by Dan Dumont, seconded by Brian Kelly; motion passed by unanimous vote.
Joseph Bumbaca, PJ-02	Motion to <u>approve</u> this application made by Brian Kelly, seconded by Dan Dumont; motion passed by unanimous vote.
Trevor White, PJ-02	Motion to <u>approve</u> this application made by Brian Kelly, seconded by Dan Dumont; motion passed by unanimous vote.
Bruce Zytkevicz, PJ-02	Motion to <u>approve</u> this application made by Dan Dumont, seconded by Brian Kelly; motion passed by unanimous vote.
Angel Ramos, PJ-02	Motion to <u>approve</u> this application made by Pauline Lally, seconded by Brian Kelly, motion passed by unanimous vote.
William Ammon, PJ-02	Motion to <u>approve</u> this application made by Brian Kelly, seconded by Pauline Lally; motion passed by unanimous vote.
Joseph Gordon, PJ-02	Motion to <u>deny</u> this application due to insufficient work experience made by Pauline Lally, seconded by Brian Kelly; motion passed by unanimous vote.
Thomas Gallagher, PJ-02	Motion to <u>approve</u> this application made by Leo Fahey, seconded by Pauline Lally; motion passed by unanimous vote.

8. **Motion to adjourn made by William Gallagher, seconded by Jennifer Revill; motion passed by unanimous vote, meeting adjourned at 11:55 AM.**

**The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will be on Wednesday, December 17, 2014.**

List of Documents/Exhibits Used at this Meeting

- a. Draft agenda for today's meeting
- b. Draft minutes from meetings on October 15, October 31 and November 5, 2014
- c. Draft 528 CMR
- d. RC Application, Robert Barasch
- e. RT Application, James Merryman
- f. Grandfather Applications for Process Piping Licenses:
  - Michael Adley, PJ-02
  - John West, PJ-02
  - Jeffrey Petes, PJ-02
  - Scott McKenzie, PM-02
  - Scott Foley, PM-02
  - Nathan Lakaszcyck, PJ-02
  - James Kopec, PJ-02
  - Joseph Fortier Jr, PJ-02
  - Michael Mercier, PJ-02
  - Ronald Trulson, PJ-02
  - Joseph Barna, PJ-02
  - Andrew Bannister, PJ-02
  - Garfield Branche, PJ-02
  - William Mullins, PJ-02
  - Ian Teesdale, PJ-02
  - Frederick Furlong, PM-02
  - Robert Sandner, PJ-02
  - Joseph Bumbacca, PJ-02
  - Trevor White, PJ-02
  - Bruce Zytkevicz, PJ-02
  - Angel Ramos, PJ-02
  - William Ammon, PJ-02
  - Joseph Gordon, PJ-02
  - Thomas Gallagher, PJ-02